



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Bruce A. Beutler *et al.*

Serial No.: 09/396,985

Filed: September 15, 1999

For: LPS-RESPONSE GENE COMPOSITIONS
AND METHODS

Group Art Unit: 1646

Examiner: Basi, Nirmal Singh

Atty. Dkt. No.: UTSD:602US

#26
JGJ
7/23/03

CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below:

June 18, 2003
Date

Mark B. Wilson

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MAIL STOP AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 23313-1450

Commissioner:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed December 18, 2002, finally rejecting claims 38-40, 52-61, 63-68, 70-75, and 100-103.

Applicant is entitled to small entity status, and the \$160.00 fee for filing this Notice of Appeal is attached hereto.

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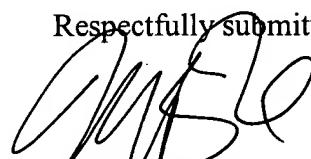
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Applicants filed a response to the final rejection on February 13, 2003, which date was within two months from the mailing date of the final rejection. As evidenced by the return postcard stamped by the Office, the Office received Applicants' response on February 21, 2003.

Applicants have not received an Advisory Action as of the date of mailing of this Notice of Appeal. Therefore, Applicants do not believe that a fee for an extension of time to file this Notice of Appeal is due. However, if the Commissioner determines otherwise, the Commissioner is authorized to deduct the appropriate extension fee from Fulbright & Jaworski L.L.P. Account No.: 50-1212/UTSD:602.

Please date stamp and return the enclosed postcard to evidence receipt of this document.

Respectfully submitted,



Mark B. Wilson
Reg. No. 37,259
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JUN 24 2003

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Date: June 18, 2003